

Committee Substitute for Senate Bill No. 2626

An act relating to Lee County; creating the City of Bonita Springs; providing for municipal boundaries and municipal powers; providing for a city-manager form of government; providing for annexation and establishing a 5-year moratorium prior to the annexation of an area into the corporate limits of the City of Bonita Springs; providing for the general powers and duties to be exercised by the city; providing for nonpartisan elections of the city council, their terms and term limits; creating council districts; providing for membership, qualifications, powers, and duties of the city council including the mayor; providing for compensation and expenses of city council members; providing circumstances resulting in vacancy in the office of city council; providing grounds for forfeiture and suspension, and for filling of vacancies in the city council; providing for meetings and keeping of records; providing for referendum election; providing for campaign spending limits; providing for appointment of officers including city manager and city attorney; providing for powers and duties of city manager; providing for code of technical regulation; providing for adoption of ordinances and resolutions to include emergency ordinances; providing for first year expenses; providing for adoption of annual budget and appropriations; providing for capital programs; providing for a debt limit on the amount of outstanding long-term liabilities; providing for referendum petitions and for recall; providing for code of ethics; providing for amendments to the city charter; providing for participation in state shared revenue and local option gas taxes; providing for initial election of city council and early assumption of duties; providing for a transitional period and for county ordinances and services during the transitional period; providing effective dates; providing for an annual financial audit; providing for severability; providing for a referendum; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. The charter for the City of Bonita Springs is created to read:

Section 1. Short title.—This act, together with any future amendments thereto, shall be known and may be cited as the City of Bonita Springs Charter, hereinafter referred to as the “charter.”

Section 2. Legislative intent.—The Legislature hereby finds and declares that the City of Bonita Springs in Lee County includes a compact and contiguous community of approximately 33 square miles (21,120 acres) and 23,186 permanent residents susceptible to urban services, and constitutes a community amenable to separate municipal government. The present permanent population density is slightly less than 1.5 persons per acre, however, with the area’s coastal and environmental features and its patterns of growth and land use, extraordinary conditions do exist which allow for the establishment of a municipality with less existing density than 1.5

persons per acre. The total population including seasonal residents is estimated to approach approximately 40,000 residents which represents an average population density of 1.89 persons per acre.

Section 3. Incorporation of municipality; corporate limits.—There is hereby created, effective December 31, 1999, in Lee County, a new municipality to be known as the City of Bonita Springs, which shall have a city-manager form of government. The corporate boundaries of the City of Bonita Springs, hereinafter referred to as the “city,” shall be as described in section 6.

Section 4. Preamble.—The preamble to the charter shall read:

We, the people of the Bonita Springs Community, by the grace of God and pursuant to the authority granted by the Constitution and the laws of the United States and of the State of Florida, in order to secure the benefits of local self-government, and otherwise to promote the common welfare of all citizens, do hereby ordain and establish this charter for the City of Bonita Springs.

Section 5. Purpose.—The purpose clause of the charter:

We, the people of the City of Bonita Springs, desiring to avail ourselves of the right to establish a home-rule charter, in accordance with the Constitution and the laws of the State of Florida, do ordain and establish this charter and form of government for the City of Bonita Springs.

Section 6. Boundaries.—The territorial boundaries of the City of Bonita Springs, upon the date of incorporation, shall include the following areas situated in the County of Lee, State of Florida:

Beginning at a point at the northeast corner of Section 18, Township 47 South, Range 26 East, proceed southward along the easterly section line of Sections 18 and 19 thence along the westerly right-of-way line of Bonita Grande Drive to the southern right-of-way line of Bonita Beach Road on the line separating Sections 5 and 6 in Township 48 South, Range 26 East. From thence proceed eastward for two miles to the section line separating Sections 4 and 3 of Range 26 East, Township 48 South. From there proceed south along the section line for one mile to the Lee/Collier County line. The southern boundary shall then proceed west along the Lee/Collier boundary until it reaches Vanderbilt Drive, at which point it will follow the Lee/Collier boundary north for one mile along Vanderbilt Drive. The boundary shall then proceed west along the section line separating Section 5 of Township 48 South, Range 25 East, and Section 32 of Township 47 South, Range 25 East, being the Lee/Collier boundary, until it reaches a point 500 feet west of the high tide mark of the Gulf of Mexico. The western boundary of the City of Bonita Springs shall be a line drawn 500 feet westward of the mean high tide line and extending from the section line separating Section 6 of Township 48 South, Range 25 East, in Collier County from Section 31, Township 47 South, Range 25 East, in Lee County northwest to the section line separating Sections 10 and 3 in Township 47 South, Range 24 East,

in Lee County. From there the boundary shall extend east, northeast, north, east and south following a line drawn 500 feet from the mean high tide of Lovers Key and Black Island, returning to the section line separating Sections 2 and 11, thence proceeding eastward to the westerly section line of Section 7, Township 47 South, Range 25 East. From there proceed southward along the westerly boundary of Section 7, to the southwest corner of Section 7, Township 47 South, Range 25 East, Lee County, Florida. From there proceed east along the section line for approximately seven miles to the point of beginning.

The territorial boundaries of the City of Bonita Springs includes coastal areas and/or islands which are located within 2 miles of the territorial boundaries of Fort Myers Beach, because of such extraordinary natural boundaries, it requires the presence of a separate municipal government for these coastal and/or island areas.

Section 7. Extension of the corporate limits; annexation.—For a period of 5 years from the date the city is created, no area currently within the Estero Fire and Rescue District shall be annexed into the corporate limits of Bonita Springs. With this exception, the corporate limits of the city may be revised and expanded as provided by general law.

Section 8. Form of government.—The form of government established under this charter shall be a city-manager form as herein provided, with the city council to consist of a mayor and six city council members who will be elected in the manner hereinafter provided. The city council will constitute the governing body of the city, with the duties and responsibilities hereinafter provided. The city council shall appoint a city manager to be the chief administrative officer of the city and who shall serve at the pleasure of the city council.

Section 9. Powers of the city.—The city shall be a body corporate and politic and shall have all the powers of a municipality under the Florida Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in the charter. In accordance with the Florida Constitution and statutes of the State of Florida, the City of Bonita Springs shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any of its powers for municipal purposes, except when expressly prohibited by law.

Section 10. Construction.—The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted by this charter.

Section 11. Intergovernmental relations.—The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, counties, municipalities, special districts, or any agencies thereof, or the United States or any agencies thereof.

Section 12. Powers vested in city council.—All powers of the city shall be vested in the city council, except as otherwise provided by law or this char-

ter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Section 13. Composition of city council, eligibility, elections, terms, term limits.—

(A) There shall be a city council composed of the mayor and six council members. One council member shall be nominated and elected by the voters in each of the six council districts. Each council member, excluding the mayor, must reside in the district they represent. The mayor shall be elected at-large within the city in the manner provided for in this charter and must reside within the city.

(B) Only registered voters of the city shall be eligible to hold the office of council member or mayor. Candidates qualifying for any seat on the council shall have been residents and registered voters of the particular district for a minimum of 2 years immediately preceding the commencement of the term of office and must be a resident of the district they represent during their incumbency.

(C) The regular election of council members will be at the same time as the first primary election of each even-numbered year, which will be held on the Tuesday 9 weeks prior to the general election. At the initial election under this charter six council members shall be elected, council members from districts 1, 3, and 5 shall serve for terms of 2 years, and council members from districts 2, 4, and 6 shall serve for terms of 4 years. Thereafter, all council members shall serve for terms of 4 years. The terms of council members shall begin 2 weeks from the date of the certification of their election. Each council member will remain in office until a successor is elected and assumes the duties of the position which shall begin 2 weeks from the date of the certification of their election. Neither the mayor nor any other council member may serve more than two consecutive 4-year terms in the same seat. After 2 years out of office, a candidate may requalify for any vacant seat on the council.

(D) Any elector of the city who wishes to become a candidate for a city elective office shall qualify with the supervisor of elections for the initial election; thereafter, candidates shall qualify with the city clerk. Candidates must submit their names and proof of qualification, as described in this charter and in the applicable provisions of chapter 99, Florida Statutes, to the office of the Lee County Supervisor of Elections between noon of the 50th day and noon of the 46th day prior to the city election. Proof of qualification includes proof of current address and 2 year residency requirement. Each candidate shall pay a qualifying fee as set forth under the Florida elections laws.

Section 14. Nonpartisan election.—All elections to the office of mayor or city council shall be conducted on a nonpartisan basis without designation of any political affiliation for any candidate on any ballot.

Section 15. Referendum spending limits; campaign spending limits.—

(A) There shall be a maximum cap of not more than \$1 per registered voter in the city placed on campaign spending for any referendum vote for or against such referendum question.

(B) No candidate for mayor or a city council seat may spend more than \$1 per registered voter in the city on an election.

Section 16. Adoption of election procedure.—The council, by ordinance, may adopt such election procedures as are necessary and as provided by Florida law.

Section 17. Multiple candidates.—In the event that multiple candidates qualify for election to a single office, the candidate receiving a majority of votes cast shall be elected. If no candidate receives a majority, then the two candidates receiving the most votes shall have a run-off election to decide the winner of the election for that office. If required, and except for the initial election, the run-off election shall be held on the Tuesday 5 weeks prior to the date of the general election, which general election is on the first Tuesday after the first Monday in November of each even-numbered year.

Section 18. Mayor.—At the initial election under this charter, a mayor shall be elected, at-large, and shall serve for a term of 4 years. The mayor shall be a voting member of the city council and shall preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards and commissions, present an annual “State of the City Message,” and perform other duties as specified by the council. The mayor shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties. In addition to any other duties, the mayor shall have a voice and a vote in all council proceedings, but shall have no veto power. The council shall elect, from among its members, a deputy mayor who shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become mayor for the remainder of the unexpired term.

Section 19. Compensation; expenses.—The mayor and city council shall not receive compensation for their services. The council may provide for reimbursement of actual expenses incurred by its members, including the mayor, while performing their official duties.

Section 20. Prohibitions.—

(A) Except where authorized by law, no council member including the mayor shall hold any other elected public office during the term for which the member was elected. Neither the mayor nor any council member shall hold any other city office or city employment during the terms for which the member was elected to the council. Neither the mayor nor any council member shall hold any office or employment with the city prior to 2 years after the expiration of the term for which the member was elected. Nothing in this section shall be construed to prohibit the council from appointing any current or former mayor or council member to represent the city on the governing board of any regional or other intergovernmental agency.

(B) Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager, or any subordinate of the city manager, is empowered to appoint, but the council may express its views and freely discuss with the city manager anything pertaining to appointment and/or removal of such officers and employees.

(C) Except for the purpose of inquiries and investigations as provided for in this charter, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 21. Vacancies; forfeitures of office; filling vacancies.—

(A) The office of a council member shall become vacant upon the member's death, resignation, inability to fulfill the duties of the office, movement of residence outside the district, or removal from office as authorized by law or this charter.

(B) A council member shall forfeit the office if the council member: lacks at any time during the term of office any qualification for the office prescribed by this charter or as provided by law; violates any express prohibition of this charter; is convicted of a crime involving a felony or moral turpitude; or fails to attend three consecutive regular meetings of the council without being excused by the council.

(C) A vacancy on the city council, except for the position of mayor, shall be filled for the remainder of the unexpired term by a representative from the incumbent's district who shall be appointed by the city council to serve until the next general election. The first choice for this replacement council member shall be the candidate from that district who received the second highest number of votes in the last election. If the council fails to appoint a replacement council member within 45 days from the occurrence of the vacancy, the council shall call a special election to fill that vacancy, to be held no sooner than 90 days and no later than 120 days following the occurrence of the vacancy, and as otherwise governed by law. In the event the mayor becomes unable to fulfill the duties of office, ceases to be qualified, or is removed from office as provided by law or this charter, the deputy mayor of the council shall assume the full powers and duties of the mayor. The deputy mayor of the council shall temporarily relinquish his or her office as council member and shall assume the office of mayor for the remainder of the unexpired term. The council vacancy shall be filled as provided for in this subsection.

Section 22. Judge of qualifications.—The council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. The council shall have the power to set additional written standards of conduct for its members beyond those specified in this charter and may provide for such penalties as it deems appropriate, including forfeiture of office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths, and require the production

of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least 7 days in advance of the hearing. Decisions made by the council under this section shall be subject to judicial review.

Section 23. Investigations.—The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be a misdemeanor punishable by a fine of not more than \$500, or by imprisonment for not more than 60 days; or both such fine and imprisonment.

Section 24. Meetings.—The council shall meet regularly at least once every month at such time and place as the council may prescribe. Special meetings may be held on the call of the mayor or of four or more members and, whenever practical, upon no less than 12 hours' notice to each member and the public. Action taken at a special meeting shall be limited to the purpose for which the special meeting is called. Except as authorized by law, all meetings shall be open to the public.

Section 25. Rules and journal.—The council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. Except as authorized by state law, the journal and minutes shall be public record.

Section 26. Voting by city council.—Voting, except on procedural motions, shall be by roll call with the ayes and nays recorded in the journal. Four council members shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided for in this charter, shall be valid or binding unless adopted by the affirmative vote of four or more council members.

Section 27. Actions requiring an ordinance.—In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

(A) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;

(B) Provide for a fine or other penalty or establish a rule or regulation, the violation for which a fine or other penalty is imposed;

(C) Levy taxes; the city council determines what taxes are levied, with a stipulated amount of millage set for operating expenses;

(D) Grant, renew, or extend a franchise;

(E) Regulate the rate charged for its services by a public or private utility;

(F) Authorize the borrowing of money;

(G) Convey or lease, or authorize the conveyance or lease of, any city real or personal property;

(H) Regulate land use and development; and

(I) Amend or repeal any ordinance previously adopted.

Acts other than those referred to in this section may be done either by ordinance or by resolution.

Section 28. Ordinances and resolutions; definitions.—As used in this charter, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(A) “Ordinance” means an official legislative action of the council which action is a regulation of general and permanent nature and enforceable as a local law.

(B) “Resolution” means an expression of the city council concerning matters of administration and expressions of a temporary character or a provision for the disposition of a particular item of the administrative business of the city council.

Section 29. Ordinances in general.—

(A) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject together with matters properly connected therewith which will be clearly expressed in its title. The enacting clause shall be “The City of Bonita Springs hereby ordains”. Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, section or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by ~~strikeout~~ type and shall indicate new matters by underscoring or by italics. All ordinances shall be adopted as provided for in chapter 166, Florida Statutes, as such may be amended from time to time.

(B) An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the city clerk/treasurer shall distribute a copy to each council member and to the city manager, shall file a reasonable number of copies in the office of the city clerk/treasurer and such other public places as the council may designate, and shall publish the ordinance together with a notice setting forth the time and place for a public hearing thereon and for its consideration by the council. The proposed ordinance shall be read in full or by title at no less than two public meetings of the city council, the first of which will be permission to advertise the public hearing. The public hearing shall follow the publication by at least 10 days, may be held separately or in connection with a regular or special council meeting that may be adjourned from time to time, and all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without

amendments or reject it. If it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. As soon as practicable after adoption, the city clerk/treasurer shall have a summary of the ordinance and a notice of its adoption published. A copy of the complete ordinance will be available at a reasonable price.

(C) Except as otherwise provided in this charter, every adopted ordinance shall become effective 30 days after adoption or at any later date specified in the ordinance.

(D) As used in this section, "publish" means to print in one or more newspapers of general circulation in the city:

(1) The ordinance or a brief summary thereof; and

(2) The places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Section 30. Emergency ordinances.—To meet a public emergency affecting life, health, property, or the public peace, the city council may, except where prohibited by general law, adopt one or more emergency ordinances, but such ordinances may not: levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any utility for its services; or authorize the borrowing of money except as provided in this charter. No emergency ordinance shall be adopted that establishes or amends the zoning map designation of a parcel or parcels of land or that changes the list of permitted, conditional, or prohibited uses within a zoning category. An emergency ordinance shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendments or rejected at the meeting at which it is introduced, but the affirmative vote of two-thirds of the members voting shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as may be specified. Every emergency ordinance except one made pursuant to section 48(B) of this charter shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of ordinances.

Section 31. Codes of technical regulations.—The city council may adopt any standard code of technical regulation by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

(A) The requirements in this charter for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance; and

(B) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk/treasurer.

Copies of any adopted code of technical regulations shall be made available by the city clerk/treasurer for distribution or purchase at a reasonable price.

Section 32. Authentication and recording; codification; printing.—

(A) An ordinance shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the mayor and the city clerk/treasurer. Copies of the ordinance shall be available to the public at a reasonable price.

(B) Within 3 years after adoption of this charter and at least every 10 years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published promptly in bound or loose-leaf form, together with this charter and any amendments thereto, pertinent provisions of the Florida Constitution and other laws of the State of Florida, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the Bonita Springs City Code. Copies of the code shall be furnished to city officers, placed in libraries and public offices for public reference and made available for purchase by the public at a reasonable price.

(C) Printing of ordinances and resolutions. The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions, and charter amendments shall be distributed or available to the public at a reasonable price. Following publication of the first Bonita Springs City Code and at all times thereafter, the ordinances, resolutions, and charter amendments shall be printed in substantially the same style as the code then currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in, or additions to, the codes of technical regulations and other rules and regulations to be included in the code.

Section 33. Appointment; qualifications; compensation of the city manager.—The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation, and approve the reimbursement of city-related expenses. The city manager shall be appointed on the strength of executive, administrative, and municipal experience and qualifications. At the time of appointment, the manager does not need to be a resident of the city or state, but may not reside outside the city while in office without approval of the council. The council shall put its goals in writing to the city manager annually, and the council shall have an annual written evaluation of the performance of the city manager.

Section 34. Removal of city manager.—The city manager may be suspended by a resolution approved by majority vote of the city council, which

shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall immediately be served upon the city manager. The city manager shall have 15 days to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than 15 days or later than 30 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city council, by a majority vote of its total membership, may adopt a final resolution of removal. The city manager will continue to receive full salary until the effective date of a final resolution of removal.

Section 35. Acting city manager.—By letter filed with the city clerk/treasurer, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager’s temporary absence or disability. The city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

Section 36. Powers and duties of the city manager.—The city manager shall be the chief administrative officer of the city, responsible to the council for the administration of all city affairs placed in the manager’s charge by or under this charter or as directed by the council. The city manager shall:

(A) Appoint and, when necessary for the good of the city, suspend or remove any city employees and appointive administrative officers, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer, subject to the manager’s direction and supervision, to exercise these powers with respect to subordinates in that officer’s department, office, or agency;

(B) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(C) Attend the city council meetings; the city manager shall have the right to take part in discussion but shall not vote;

(D) Ensure that all state and federal laws, provisions of the charter, and acts of the city council are faithfully executed;

(E) Prepare and submit the annual budget and capital expenditures program to the city council;

(F) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(G) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager’s direction and supervision;

(H) Keep the city council fully advised as to the financial condition and future needs of the city;

(I) Make recommendations to the city council concerning the affairs of the city;

(J) Provide staff support services for the mayor and council members;

(K) Perform such other duties as are specified in this charter or as may be required in writing by the city council;

(L) Contract for services where authorized by law and approved by the council; and

(M) Have written goals for all city employees and written performance reviews of all city personnel.

Section 37. City clerk/treasurer.—There shall be a city clerk/treasurer who shall be appointed by the city manager with the consent of the council. At the time of appointment, the city clerk/treasurer need not be a resident of the city or state, but may not reside outside the city while employed without approval of the council. The city clerk/treasurer shall serve at the pleasure of the city manager and shall:

(A) Give notice of council meetings to its members and the public;

(B) Keep the journal and minutes of the proceedings of the council;

(C) Authenticate by signature and record, in books kept for that purpose, all ordinances and resolutions passed by the council;

(D) Be the custodian of the city's seal;

(E) Have the power to administer oaths;

(F) Receive, safely keep, and disburse, under the direction of the council, all funds belonging to or under the control of the municipality, and keep an accurate account of all receipts and disbursements in such manner as the city manager shall direct. All checks drawn upon depository of city funds shall be countersigned by those persons designated by resolution of the city council; and

(G) Perform such other duties as may be assigned by the city manager.

Section 38. General provisions.—

(A) The city council may establish city departments, offices, or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices, and agencies.

(B) All departments, offices, and agencies under the direction and supervision of the city manager may be administered by an officer appointed by, and subject to, the direction and supervision of the city manager. With the consent of council, the city manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them.

Section 39. Personnel.—

(A) All appointments, salary increases, and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable review of such officer or employee's performance against goals, or other evidence of competence.

(B) Consistent with all applicable federal and state laws, the city council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary for effective administration of the employees of the city's departments, offices, and agencies, including, but not limited to, classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, and relationships with employee organizations.

Section 40. Planning.—Consistent with all applicable federal and state laws with respect to land use, development and environmental protection, the city council shall:

(A) Designate an agency or agencies to carry out the planning function with such decisionmaking responsibilities as may be specified by ordinance or by Florida Statutes;

(B) Adopt a comprehensive plan and ensure that zoning and other land use control ordinances are consistent with the plan, all in accordance with Florida Statutes;

(C) Adopt zoning and/or development regulations, to be specified by ordinance, to implement the plan.

Section 41. City attorney.—There shall be a city attorney, who shall be a member of The Florida Bar in good standing, appointed by the council, who may represent the city in all legal proceedings and shall perform all other duties as assigned by the council. The council may remove the city attorney for any reason by a majority vote of its total membership. The city attorney shall serve as chief legal advisor to the council and all city departments, offices, and agencies. The city attorney shall attend council meetings unless excused by the council and shall perform such professional duties as may be required by law or by the council in furtherance of the law.

Section 42. Fiscal year.—The fiscal year of the city shall begin on the first day of October and end on the last day of September of each year.

Section 43. Submission of budget and budget message.—On or before the 15th day of August of each year, the city manager shall submit to the city council a budget for the ensuing fiscal year and an accompanying message.

(A) The city manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city and summarize the city's debt position.

(B) The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or

this charter, shall be in such form as the city manager deems desirable or the city council may require. It will include estimated income and expenditures for the ensuing fiscal year compared with actual income and expenditure figures for the past fiscal year.

Section 44. City council action on budget.—The council shall publish in one or more newspapers of general circulation in the city a general summary of the budget and notice of where copies of the budget are available for inspection by the public and the time and place for public hearings on the budget. There will be a minimum of two public hearings prior to the city council adopting the budget by resolution. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

Section 45. Appropriation; revenue; surety bond ordinances.—To implement the adopted budget, the city council shall adopt, prior to the beginning of the ensuing fiscal year:

(A) An appropriation ordinance making appropriations by department or major organizational unit and authorizing a single appropriation for each department or unit;

(B) A tax levy ordinance authorizing the property tax levy and setting the tax rate; and

(C) Any other ordinances, if necessary, to authorize new revenues or amend the rates of existing taxes or other revenue sources.

The city council shall determine, by ordinance, which city officers and employees shall be required to furnish a surety bond to the city, the amount of such bonds, and the amount of penalty thereof.

Section 46. Amendments after adoption.—

(A) If during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the city council may, by ordinance, make supplemental appropriations for the year in an amount not to exceed such excess, or carryover excess revenues into the next fiscal year.

(B) To meet a public emergency the city council may make emergency appropriations by ordinance in accordance with state and federal laws. If sufficient funds are not available to meet such emergencies the city council may authorize emergency notes to be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

(C) If, at any time during the fiscal year, it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the manager shall report same to the council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or

minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.

(D) Where authorized by general law, the city council, at any time during the fiscal year, may by resolution provide for the transfer of all or part of any unrestricted appropriations balance from one department to another department within the city.

(E) No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(F) The city charter hereby provides for a legal debt limit which caps the amount of outstanding long-term liabilities to 10 percent of the assessed property value within the city.

Section 47. Lapse of appropriations.—Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until expended, revised, or repealed, the purpose of any such appropriation shall be deemed abandoned if 3 years pass without any disbursement from or encumbrance of the appropriation.

Section 48. Administration of the budget.—The city council shall provide, by ordinance, the procedures for administering the budget.

Section 49. Overspending of appropriations prohibited.—No payment against any allotment or appropriation shall be made unless the city manager certifies that such funds are available to cover the obligation when it becomes due and payable. Except where prohibited by law, nothing in this charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, but only if such action is made or approved by ordinance.

Section 50. Capital program.—In conjunction with the submission of the budget, the city manager shall prepare and submit to the city council a 5-year capital program to include cost estimates, time schedules, methods of financing, and estimated annual costs of operation and maintenance for such capital improvements. This shall be revised and extended each year depending on which capital improvements are still pending or in process of construction or acquisition.

Section 51. City council action on capital program.—The city council shall publish in one or more newspapers of general circulation within the city a summary of the capital program and a notice of not less than two public hearings on the capital program. The city council, by resolution, shall adopt the capital program with or without amendments after the public

hearings and on or before the 15th day of August of the then current fiscal year.

Section 52. Public records.—Copies of the budget, capital program, and appropriation and revenue ordinances shall be public records and shall be made available to the public at suitable and published places in the city, and shall be available for purchase at a reasonable price.

Section 53. Council districts; redistricting.—

(A) There will be six city council districts. The districts shall be as roughly equal in permanent population as is practical (along precinct lines) according to the population figures available from the most recent Lee County population estimates. Where practical no city block shall be divided in the formation of districts.

(B) The districts' geographical boundaries are:

District 1:

Beginning at the Gulf of Mexico including all of Lovers Key, Long Key and Black Island, crossing Estero Bay to the mainland following the Estero Fire District/Bonita Springs Fire District lines proceeding easterly along the Estero Fire District/Bonita Springs Fire District line along Bonita Bill Street to Interstate 75 thence proceeding southerly along Interstate 75 to Sand Road then proceeding westerly along Sand Road to the intersection of Section Lines 23, 24, 25 and 26, all in Township 47 South, Range 25 East, from thence proceeding northerly along the border of Section Lines 23 and 24 in Township 47 South, Range 25 East to Haven Lane thence westerly following the northern right-of-way of Haven Lane to Shangrilla Road and thence westerly following the northern right-of-way of Shangrilla Road to the intersection with OLD US 41 proceeding westerly into Bernwood Industrial Park into a canal that becomes Spring Creek and following Spring Creek westerly all the way into Estero Bay into New Pass into the Gulf of Mexico to the point of beginning. This district boundary is substantially the same as the present boundaries for Lee County Election Precinct Numbers 148 and 137.

District 2:

Beginning at the intersection of OLD US 41 and Shangrilla Road, easterly along Shangrilla Road to Haven Lane where it intersects at the boundaries of Section Lines 23 and 24 in Township 47 South, Range 25 East and thence southerly along the section line to its intersection with Sand Road and thence easterly along Sand Road to Interstate 75 and thence northerly along Interstate 75 to the Estero Fire District/Bonita Springs Fire District line and thence easterly along the Estero Fire District/Bonita Springs Fire District line for approximately two miles to the section line between Sections 18 and 17 in Township 47 South, Range 26 East and thence southerly along the section line between Sections 18 and 17 in Township 47 South, Range 26 East for two miles or so until the section line becomes Bonita Grande Drive and thence southerly along Bonita Grande Drive approximately another one mile to its intersection with East Terry Street and thence westerly along East Terry

Street along the northern right-of-way of East Terry Street along to East Terry Street's intersection with OLD US 41 from thence northerly along the eastern right-of-way of OLD US 41 to the point of the beginning. This district boundary is substantially the same as the present boundary of Lee County Election Precinct Number 134.

District 3:

From New Pass just north of Big Hickory Island to Estero Bay proceeding southerly until Estero Bay narrows to a tributary flowing into the Imperial River and from thence easterly along the Imperial River until it would meet a boat ramp from Windsor Road extension into the Imperial River along the western boundaries of the mobile home park known as Anglers Paradise from thence along the eastern right-of-way of Windsor Road until Windsor Road would intersect with Foley Road Extension and thence along the southern right-of-way of Foley Road Extension to Foley Road and easterly along Foley Road until its intersection with US 41 and thence southerly along US 41 until the Lee/Collier County line and from thence westerly along the Lee/Collier County line to Woods Edge Parkway until the intersection of Woods Edge Parkway with Vanderbilt Drive and thence northerly along Vanderbilt Drive until its intersection with Bonita Beach Road and thence following the Lee/Collier County line along Bonita Beach Road westerly until the Gulf of Mexico and thence northerly along the Gulf of Mexico to New Pass to the point of beginning. This district boundary is substantially the same as the present boundary of Lee County Election Precinct Number 135.

District 4:

Beginning at Estero Bay as Spring Creek enters Estero Bay and following Spring Creek in a easterly direction to US 41 and thence moving southward along the western right-of-way of US 41 to its intersection with Bonita Beach Road and thence eastwardly along the southern right-of-way of Bonita Beach Road to its intersection with Interstate 75 and thence southwardly along Interstate 75 to its intersection with the Lee/Collier County line and thence westwardly along the Lee/Collier County line to its intersection with US 41 and thence northerly along US 41 to its intersection with Foley Road and thence westwardly along Foley Road and Foley Road's extension intersecting with Windsor Road and thence northerly along the eastern right-of-way of Windsor Road until Windsor Road's extension running into the Imperial River just west of Angler's Paradise Mobile Home Park and thence westwardly along the Imperial River to its entry into a tributary going north into Estero Bay to the point of beginning. This district boundary is substantially the same as the present boundaries of Lee County Election Precinct Numbers 133 and 136.

District 5:

Beginning at the intersection of US 41 and Spring Creek at the southeast point and following along Spring Creek in an easterly direction along until it reaches a drainage canal separating Pueblo Bonito from the Bernwood Industrial Park just south of Cockelshell Court to its intersection with OLD US 41 and thence following in a southwardly direction

along the western right-of-way of OLD US 41 Road until the intersection of OLD US 41 Road and Bonita Beach Road and thence westerly along the northern right-of-way of Bonita Beach Road until Bonita Beach Road intersects with US 41 and thence northerly along the eastern right-of-way of US 41 along its intersection with Spring Creek to the point of beginning. This district boundary is substantially the same as the present boundaries of Lee County Election Precinct Numbers 13 and 61.

District 6:

Beginning at the intersection of OLD US 41 Road and East Terry Street and proceeding easterly along the southern right-of-way of East Terry Street until the intersection of East Terry Street with Bonita Grande Drive and thence southwardly along the western right-of-way of Bonita Grande Drive to the intersection of Bonita Grande Road with Bonita Beach Road and thence easterly along the southern right-of-way of Bonita Beach Road for approximately two miles along to the section line between Sections 4 and 3 in Township 48 South, Range 26 East and proceeding southwardly along the section line between Sections 4 and 3 in Township 48 South, Range 26 East, along its intersection with the Lee/Collier County line and thence westwardly along the Lee/Collier County line to Interstate 75 and thence northerly along Interstate 75 until the intersection of Interstate 75 with Bonita Beach Road and thence westwardly along the northern right-of-way of Bonita Beach Road to the intersection of Bonita Beach Road with OLD US 41 Road and thence proceeding northerly along the eastern right-of-way of OLD US 41 Road to the point of beginning. This district boundary is substantially the same as the present boundaries of Lee County Election Precinct Numbers 80 and 149.

(C) In the year 2001, and in the odd-numbered years after each decennial census thereafter, and at any time when required by law, the city council may redivide the city into six districts as roughly equal in permanent population (along precinct lines) as practical.

Section 54. Initiative and referendum.—The powers of initiative and referendum are hereby reserved to the qualified registered voters of the city. The provisions of the election laws of the state, as they currently exist or may hereafter be amended or superseded, shall govern the exercise of the powers of initiative and referendum under this charter.

Section 55. Recall.—The qualified voters of the city shall have the power to remove from office any elected official for unethical or illegal conduct or actions resulting in the endangerment of the public health and safety, malfeasance of office, or dereliction of duties. In the event of recall of a city council district representative, at least 25 percent of the total number of electors registered to vote in the last regular city election within the district shall be needed to sign a petition to recall that city council member from his or her district seat. In the event of recall of the mayor, at least 25 percent of the total number of electors registered to vote within the city limits in the last regular city election shall be needed to sign a petition to recall that individual from the mayor's city council seat. If said number of signatures are collected and certified by the supervisor of elections, then a special recall

election shall be held no later than 90 days after such certification. A recall election shall be held as provided for by the Florida Election Code.

Section 56. Code of ethics.—It is essential to the proper conduct and operation of the city that the officers and employees of the city be independent and impartial and for their office not to be used for private gain other than the remuneration provided by law or by ordinances. It is declared to be the policy of the city that its officers and employees are agents of the people and hold their position for the benefit of the public. Therefore, all city officers, employees, and the city attorney shall adhere to the Standards of Conduct as set forth under part III, chapter 112, Florida Statutes, as amended from time to time.

Section 57. Amendments to city charter.—The charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, chapter 166, Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law. The city council may, by ordinance, or the qualified registered voters of the city may, by petition signed by 10 percent of the electors registered to vote in the last regular city election, submit to the electors of the city a proposed amendment to any part or all of the charter. The form, content, and certification of any petition to amend shall be established by ordinance.

Section 58. Election.—The city council shall place the proposed amendment contained in the ordinance or petition to a vote of the electors of the city at the next city election or at a special election called for such purpose.

Section 59. Adoption of amendment.—If a majority of the registered voters of the city vote in favor of a proposed charter amendment, the amendment shall become effective at the time fixed in the amendment or, if no time is therein fixed, 30 days after its adoption by the voters.

Section 60. Referendum election.—The referendum election called for by this act shall be held on November 2, 1999, at which time the following question shall be placed upon the ballot:

Shall Chapter....., Laws of Florida, creating the City of Bonita Springs and providing for its charter be approved?

Yes

No

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the provisions of the charter will take effect as provided for in this charter. The referendum election shall be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code as may be amended from time to time and the cost of such election shall be funded by Lee County.

Section 61. Initial election of council.—

(A) Following the adoption of this charter, the Lee County Commission shall call an election to be held on March 14, 2000, for the election of six city council members and the mayor. The election shall be conducted by the Supervisor of Elections of Lee County in accordance with the Florida Election Code and the cost of such election shall be funded by Lee County. Any necessary runoff election shall be held on April 4, 2000.

(B) Between noon on January 17, 2000, and noon on January 21, 2000, any individual who wishes to run for one of the six initial seats on the council and for mayor shall qualify as a candidate with the Lee County Supervisor of Elections in accordance with the provisions of this charter and general law.

(C) For the initial election, the county canvassing board shall certify the results of the election in accordance with general law.

(D) Those candidates who are elected shall take office at the initial council meeting which shall be held on April 15, 2000.

(E) Council seats for districts 1, 3, and 5 shall initially be for a 2-year term; seats for districts 2, 4, and 6 for a 4-year term. The mayor's term of office shall be for 4 years. Thereafter, all terms shall be 4 years, on a staggered basis.

Section 62. Officers and employees.—

(A) Nothing in this charter except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are city officers or employees at the time the city is created.

(B) Except as specifically provided by this charter, if at the time this charter takes full effect a city administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he or she shall continue in such office or position until a specific provision under this charter takes effect directing that he or she vacate the office or position.

(C) An employee holding a city position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in this charter.

Section 63. Departments, offices, and agencies.—

(A) From and after the effective date of incorporation of the City of Bonita Springs, and during the transition period and until such time as the city council becomes operative, Lee County shall continue to provide the city residents with all of the same services it provided just prior to the approval of the referendum and adoption of the charter.

(B) The property, records, and equipment of any department, office, or agency of the Lee County existing when this charter is adopted may, at the discretion of the Lee County Commission, be transferred to the department, office, or agency of the city assuming its powers and duties.

Section 64. Pending matters.—All rights, claims, actions, orders, contracts, and administrative proceedings affecting the area incorporated into the city shall continue with the county and/or state agency having jurisdiction over such matter, except as modified, pursuant to the provisions of this charter.

Section 65. State and county laws.—In general, all county ordinances, resolutions, orders, and regulations which are in force when this charter becomes effective are repealed to the extent they are inconsistent with this charter or with ordinances or resolutions adopted pursuant thereto. To the extent that the Constitution and laws of the State of Florida permit, all laws relating to or affecting the City of Bonita Springs or its agencies, officers, or employees which are in force when this charter becomes effective are superseded to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

Section 66. Severability.—If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 67. Creation and establishment of the City of Bonita Springs.—For the purpose of compliance with section 200.066, Florida Statutes, relating to assessment and collection of ad valorem taxes, the City of Bonita Springs is hereby created and established effective December 31, 1999.

Section 68. Early assumption of duties by city council.—The initial city council shall have the authority and power to enter into contracts, arrange for the hiring of interim legal counsel, begin recruiting applicants for the position of city manager, provide for necessary city offices and facilities, and do such other things as it deems necessary and appropriate for the city to become operational on December 31, 2000.

Section 69. First year expenses.—The council, in order to provide moneys for the expenses and support of the city, shall have the power to borrow money necessary for the operation of municipal government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

Section 70. Transitional ordinances and resolutions.—The council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 90 days after the first council meeting may be passed as emergency ordinances as provided in this charter except the transitional ordinances shall be effective for no longer than 90 days after adoption and, thereafter, may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

Section 71. Transitional comprehensive plan.—Until such time as the city adopts a comprehensive plan, the Lee County Comprehensive Plan, as the same exists on the day the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan. However, all

planning functions, duties, and authority shall thereafter be vested in the council, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

Section 72. Transitional land development regulations.—To implement the transitional comprehensive plan when adopted, the city shall, in accordance with the procedures required by the laws of the State of Florida, adopt ordinances providing for land development regulations within the corporate limits. Until the city adopts the ordinances:

(A) The comprehensive land use plan and land development regulations of Lee County, as the same exists on the date the city commences corporate existence, shall remain in effect as the city's transitional land development regulations and comprehensive land use plan.

(B) All powers and duties of the Lee County Department of Community Development, Lee County Hearing Examiner, and County Commission of Lee County, as set forth in these transitional land development regulations, shall be vested in the city council until such time as the city council delegates all, or a portion thereof, to another agency, department, or entity.

(C) Subsequent to the adoption of a local comprehensive plan, subject to general law, the Council is fully empowered to amend, supersede, enforce, or repeal the transitional land development regulations, or any portion thereof, by ordinance.

(D) Subsequent to the commencement of the city's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Lee County Commission shall be deemed an amendment of the city's transitional comprehensive plan or land development regulations or otherwise take effect within the city's municipal boundaries.

Section 73. State-shared Revenues. The City of Bonita Springs shall be entitled to participate in all revenue sharing programs of the State of Florida effective on the date of incorporation. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purposes of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 2002-2003. For purposes of meeting the provisions of s. 218.23(1), Florida Statutes, relating to ad valorem taxation, the millage levied by special districts may be used for an indefinite period of time. Initial revised population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the Bureau be unable to provide an appropriate population estimate, the Lee County Department of Community Development shall provide the estimate.

Section 74. The City of Bonita Springs shall be entitled to receive local option gas tax revenues beginning October 1, 2000, in accord with an interlocal agreement if executed prior to June 1, 2000. If said interlocal agreement is not executed prior to June 1, 2000, the distributions shall e in accord with the lane-mile formula contained in s. 336.025(4)(b)1., Florida States.

Section 75. Contractual services and facilities.—Contractual services for fire, police, emergency management, public works, parks and recreation, planning and zoning, building inspection, development review, animal control, and solid waste collection may be supplied by a contract between the city and Lee County, special districts, municipalities, or private enterprise until such time as the city council establishes such independent services. Facilities for housing the newly formed municipal operations may be rented or leased until the city is in the position to obtain its own facilities.

Section 76. Elimination of transition elements from the charter.—Upon completion of the transition phase as contained herein, those sections of the charter relating to transition may be eliminated from the charter.

Section 77. Independent special districts.—It is recognized that certain services within the municipal boundaries are provided by independent special districts whose boundaries lie wholly within the municipal boundaries of Bonita Springs and are created by special acts of the Florida Legislature. The municipality is empowered to merge the functions of said districts with those of the municipality only upon dissolution of the special district, or upon affirmative vote of a majority of the city council and an affirmative vote of the majority of the council or board governing the district after meeting all requirements for merger or dissolution in the district's enabling legislation and chapter 189, Florida Statutes. It is recognized that certain planning and interlocal agreements may be necessary between the city and such districts and the city council shall endeavor to maximize the benefits of the districts to the fullest extent possible. In the event the city council desires to supplement or duplicate services determined to be inadequate, the council is fully empowered to do so.

Section 2. Severability as to this act.—If any provision of this act, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Section 3. This act shall take effect upon approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed City of Bonita Springs as described in section 6 voting in a referendum election to be called by the Lee County Commission to be held November 2, 1999, in accordance with the provisions of law relating to elections currently in force, except that this section shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.